

IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 4, 1863.

Read twice and the further consideration postponed to Friday next after the expiration of the morning hour, and ordered to be printed, together with pending amendment.

Mr. OLIN, from the Committee on Military Affairs, reported the following bill:

A BILL

To construct a ship canal for the passage of armed and naval vessels from the Mississippi river to Lake Michigan, and for the enlargement of the locks of the Erie canal and the Oswego canal, of New York, to adapt them to the defence of the northern lakes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That so soon as the State of Illinois shall, by conveyance
4 satisfactory to and approved by the Attorney General of the
5 United States, transfer to and vest in the United States all of
6 her right, title, and interest in and to the bed of the Illinois
7 and Michigan canal, and the land over which the same passes,
8 including its banks and margins, tow-paths, feeders, right of
9 way, locks, dams, water-power structures, and all the property;
10 right, title, and interest of the said State of Illinois of, in,

11 and to said canal, with the hereditaments and appurtenances
12 thereunto belonging or in anywise appertaining, and shall
13 provide bonds of the said State sufficient for the refunding or
14 payment or redemption of all outstanding canal bonds of said
15 State now secured in trust upon said canal, that William H.
16 Swift, now one of the trustees of the said Illinois and
17 Michigan canal, together with a skilful and experienced engi-
18 neer in the topographical corps of the United States army,
19 to be designated by the Secretary of War, and a citizen of
20 the United States, to be designated by the President of the
21 United States, shall be commissioners, with authority, under
22 the direction of the Secretary of War, to enlarge the Illinois
23 and Michigan canal, and to improve the navigation of the
24 Illinois and Des Plains rivers, in such a manner as to furnish
25 a suitable and sufficient water communication for the gun-
26 boats and other naval and war vessels of the United States
27 between Lake Michigan and the Mississippi river, of the
28 dimensions and in the mode hereafter provided.

1 SEC. 2. *And be it further enacted,* That the said com-
2 missioners shall forthwith make a careful examination and
3 survey of the said canal and river, and determine upon a suit-
4 able plan for the improvement aforementioned, which plan
5 shall provide for the enlargement of said canal to a width of
6 not less than one hundred and sixty feet, with locks of not
7 less than three hundred and fifty feet in length and seventy-

8 five feet in width, and for the improvement of said rivers in
9 such manner as to insure a safe and uninterrupted water
10 navigation between Lake Michigan and the Mississippi river,
11 at all times during the season of navigation, of gunboats,
12 steamboats, naval and war vessels of the United States, and
13 all others vessels not drawing over six feet of water, which
14 plan shall be submitted to the President of the United States
15 for approval.

1 SEC. 3. *And be it further enacted*, That, upon the
2 approval by the President of the United States of the plan
3 of said improvement aforesaid, the said commissioners are
4 hereby authorized to construct the said improvement, accord-
5 ing to said plan, under the direction of the Secretary of War,
6 and to prosecute the same to completion with such despatch
7 as the nature of the work and the funds appropriated for that
8 purpose by Congress shall permit. And the said commis-
9 sioners shall make a report annually to the Secretary of War
10 on the progress of said work.

1 SEC. 4. *And be it further enacted*, That the said com-
2 missioners shall, under the direction of the Secretary of War,
3 have the exclusive control and management of the said canal
4 and improvements, and shall have power to establish all
5 needful rules and regulations concerning the use and naviga-
6 tion thereof, and to fix, alter, and modify the rates of toll
7 upon said canal and rivers included in said improvement, and,

8 under the direction of the Secretary of War, to employ such
9 agents, engineers, surveyors, daughtsmen, collectors, and other
10 persons, as they may judge necessary for the performance of
11 the work hereby committed to them, with full power to enter
12 upon, appropriate, use, and condemn any lands, water streams,
13 and materials of any description necessary for the prosecution
14 of the improvement contemplated by this bill: *Provided*,
15 That when private property shall be taken for such purposes
16 the same shall be condemned and compensation made therefor
17 in the manner now provided by the laws of the State of
18 Illinois. And it shall be the duty of such commissioners to
19 cause all the work done upon said improvements to be let to
20 the lowest responsible bidder at public lettings, of which
21 sufficient public notice, by advertisement in the public news-
22 papers, shall be given.

1 SEC. 5. *And be it further enacted*, That the revenues
2 derived from said canal and river, over and above the ex-
3 penses of management, and by repairs and expenditures
4 thereon, shall be applied, first, to the payment of the interest
5 and principal expended by the United States upon the said
6 work; second, to the payment of the State of Illinois of the
7 entire amount which was a charge upon the said canal at
8 the time of the conveyance thereof to the United States,
9 together with the interest thereof, which amount shall be
10 paid to the treasurer of the State of Illinois upon such

11 vouchers and under such regulations as the Secretary of the
12 Treasury of the United States shall direct.

1 SEC. 6. *And be it further enacted*, That the salaries of
2 said commissioners shall be such sum, not exceeding three
3 thousand dollars per annum, as the Secretary of War shall,
4 with respect to their respective duties and services determine:
5 *Provided*, That such additional compensation only shall be
6 allowed to the said commissioners designated from the topo-
7 graphical corps as shall, by the Secretary of War, be deemed
8 proper, and said commissioners shall respectively give bond
9 for the faithful performance of their duties in such amount
10 and upon such condition as the Secretary of War may pre-
11 scribe.

1 SEC. 7. *And be it further enacted*, That after the re-
2 imbursement to the United States of the amount by them
3 expended, and to the State of Illinois of the said canal in-
4 debtedness, as provided in section five, the said canal shall
5 forever thereafter be open and free to the navigation of all
6 the citizens of the United States, subject only to such tolls as
7 shall be necessary to keep the same in suitable repair, and
8 defray the current expenses of its management, and sub-
9 ject to the further condition that the United States shall have
10 the right at all times to transport vessels-of-war, troops, and
11 public property over said canal absolutely free from any toll
12 or other charge whatsoever.

1 SEC. 8. *And be it further enacted,* That the govern-
2 ment of the United States will, as soon as the State of Illinois
3 shall have transferred said canal and fulfilled the provisions
4 of the first section of this act, apply the sum of thirteen
5 million three hundred and forty-six thousand eight hundred
6 and twenty-four dollars, in bonds of the United States, to be
7 issued by the Secretary of the Treasury, redeemable in twenty
8 years from date, bearing interest at the rate of six per centum
9 per annum, payable semi-annually to the construction of said
10 work, the said interest to be payable and the said bonds to be
11 redeemable out of moneys to be hereafter appropriated by
12 Congress, and said principal and interest to be reim-
13 bursed to the treasury of the United States from the
14 tolls and revenues of said work, and the Secretary of the
15 Treasury in his discretion may also pledge the net tolls and
16 revenues of said work for the payment of the principal and
17 interest of said bonds.

1 SEC. 9. *And be it further enacted,* That the said bonds
2 shall be delivered by the Secretary of War on the requisition
3 of the said commissioners, in such sums as may be required
4 from time to time in the prosecution of said work; and said
5 commissioners shall furnish vouchers and proofs in duplicate
6 of the work done and material furnished at such times and
7 under such regulations as the Secretary of War may prescribe;
8 and the Secretary of War is hereby also authorized to deliver

9 to said commissioners the amount of twenty thousand dollars
10 in said bonds, for preliminary surveys and expenses, before
11 the letting of said work.

1 SEC. 10. *And be it further enacted*, That the Secretary
2 of War is hereby authorized and directed to cause to be en-
3 larged, through the agency of the canal board of the State
4 of New York, under the provisions of the act of the legisla-
5 ture thereof, passed in April, eighteen hundred and sixty-
6 two, entitled "An act to adapt the canals of this State
7 to the defence of the northern and northwestern lakes," one
8 tier of the locks on the Erie canal and one tier of the locks
9 on the Oswego canal to a capacity sufficient to pass vessels-
10 of-war at least twenty-five feet wide and two hundred feet
11 long from the Hudson river into Lake Erie and Lake Ontario,
12 with such additional feeders and alterations of the channels
13 of said canals as may be necessary, with power to construct
14 new and independent locks when found more advantageous,
15 the United States to have the perpetual right of passage
16 through said canals, free from toll or charge, for its vessels-
17 of-war, boats, gunboats, transports, troops, supplies, or muni-
18 tions of war, as granted by said act. The government of the
19 United States will apply the sum of three million five hun-
20 dred thousand dollars to the work hereinbefore described, in
21 the bonds of the United States, to be issued by the Secretary
22 of the Treasury, redeemable in twenty years from date,

23 bearing interest at the rate of six per centum per annum,
 24 payable half-yearly, which said interest shall be payable and
 25 said bonds shall be redeemable out of moneys hereafter to be
 26 appropriated by Congress. The proposals to be received for
 27 said work, with a sufficient specification of its dimensions and
 28 character, shall be submitted by said canal board to the Sec-
 29 retary of War for his approbation, who shall cause the same
 30 to be examined without delay by a competent engineer, and
 31 shall also cause such inspection to be made of the work as it
 32 proceeds, and of the vouchers rendered for the same, as he
 33 may deem necessary. Duplicate certificates of the work
 34 done shall be rendered monthly by the engineer or inspector
 35 so to be selected by the Secretary of War—one to the War
 36 Department of the United States, and the other to the auditor
 37 of the canal department of said State; on receiving which
 38 the Secretary of War shall deliver to said auditor the amounts
 39 therein certified, in the bonds of the United States in this
 40 section above described.

1 SEC. 11. *And be it further enacted,* That the bonds
 2 hereinbefore mentioned for the enlargement of the Illinois
 3 and Michigan canal, and improvement of the Des Plaine and
 4 Illinois rivers, shall be delivered upon the condition that the
 5 State of Illinois shall pay the excess, if any, which said im-
 6 provements may cost over and above the sum of thirteen
 7 millions three hundred and forty-six thousand eight hundred

8 and twenty-four dollars; and the bonds hereinbefore men-
 9 tioned in section ten shall be delivered upon the condition
 10 that the State of New York shall pay and discharge the
 11 excess, if any, over three million five hundred thousand dol-
 12 lars, which may be incurred in enlarging the New York
 13 canals as hereinbefore provided.

Mr. STEVENS submitted the following amendment:

1 *Provided*, That before the United States proceed to make
 2 any expenditure under this section, the State of New York
 3 shall make a conveyance and grant of jurisdiction to the
 4 United States, in the same manner as is provided for in the
 5 first section with regard to the State of Illinois; and all the
 6 provisions relative to reimbursement of the sums expended
 7 by the United States by the State of Illinois shall apply to
 8 New York, so as to make her make similar reimbursement
 9 for sums expended on the New York canals.

Mr. ALBERT S. WHITE's amendment to Mr. STEVENS's amendment:

1 *Provided*, That the commissioners referred to in the first
 2 section shall not be appointed until a right of way sufficient
 3 for said enlargement shall be granted to the United States
 4 free of charge.

IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 4, 1863.

Ordered to be printed.

AMENDMENT

By Mr. DIVEN, in the nature of a substitute, to bill H. R. 718.

Strike out all after the enacting clause and insert:

3 That if the State of New York shall, within two years from
4 the passage of this act, so construct, alter, and enlarge her
5 canals as to pass a vessel two hundred feet in length and
6 twenty-five feet in width, of six feet six inches draught, and
7 eighteen feet in height, measuring from bottom of keel, from
8 the Hudson river to Lake Erie and Lake Ontario, and shall
9 grant to the government of the United States the right of
10 passage through said canals of vessels-of-war, boats, gunboats,
11 transports, troops, supplies, or munitions of war free of toll or
12 charge, upon its being certified by the Secretary of the Navy
13 to the Secretary of the Treasury, at any time within the two
14 years aforesaid, that said canals are so constructed, altered,
15 and enlarged, and that vessels of the foregoing dimensions
16 have passed, or can pass, through the same, and upon the
17 execution of a grant from the State of New York to the gov-

ernment of the United States, approved by the President, authorizing, upon the requisition of the Secretary of War or of the Navy, the use of the said canals as hereinbefore provided, the Treasurer of the United States shall execute and deliver to the said State of New York bonds of the United States in sums of one thousand dollars, each bearing six per centum interest, redeemable in not less than twenty years, with semi-yearly interest coupons attached, for the sum of three million five hundred thousand dollars.

SEC. 2. *And be it further enacted,* That if the State of Illinois shall, within two years from the passage of this act, so construct, alter, and enlarge her canals, as to pass a vessel two hundred feet in length and twenty-five feet in width, of six feet six inches draught and eighteen feet in height, measuring from bottom of keel, from the Mississippi river to Lake Michigan, and shall grant to the government of the United States the right of passage through said canals of vessels-of-war, boats, gunboats, transports, troops, supplies, or munitions of war free of toll or charge, upon its being certified by the Secretary of the Navy to the Secretary of the Treasury, at any time within the two years aforesaid, that said canals are so constructed, altered, and enlarged, and that vessels of the foregoing dimensions have passed or can pass through the same, and upon the execution of a grant from the State of Illinois to the government of the

17 United States, approved by the President, authorizing, upon
18 the requisition of the Secretary of War or of the Navy, the
19 use of the said canals, as hereinbefore provided, the Treas-
20 urer of the United States shall execute and deliver to the said
21 State of New York bonds of the United States in sums of
22 one thousand dollars each, bearing six per centum interest,
23 redeemable in not less than twenty years, with semi-yearly
24 interest coupons attached, for the sum of thirteen million three
25 hundred and forty-seven thousand dollars.